

MEMORANDUM

Agenda Item No. 4(B)


TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 1, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to
Zoning; amending plan review
standards in the business
districts

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(B)

5-1-12

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-245.2, 33-251.5, 33-253.9 AND 33-256.8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING PLAN REVIEW STANDARDS IN THE BUSINESS DISTRICTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Article XXIV of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

ARTICLE XXIV - BU-1, NEIGHBORHOOD BUSINESS DISTRICT

* * *

Sec. 33-245.2. - Plan review standards.

(A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

* * *

(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process:

* * *

(8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development. >>When head-in parking is located directly adjacent to a storefront, a minimum sidewalk width of ten (10) feet shall be required. Concrete security planters with a minimum depth of forty (40) inches shall be placed along the outer edge of the sidewalk to visually and physically separate the vehicular and pedestrian areas. The planters shall be continuous with reasonable breaks provided to allow for pedestrian access and compliance with the Americans with Disabilities Act.<<

* * *

>>(12) Window Height. When head-in parking is located directly adjacent to a storefront, ground floor windowsills shall be placed at a minimum height of 24 inches and a maximum of 48 inches above grade.<<

Section 2. Article XXV of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE XXV. - BU-1A, LIMITED BUSINESS DISTRICT

* * *

Sec. 33-251.5. - Plan review standards.

(A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

* * *

(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process:

* * *

(8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development. >>When head-in parking is located directly adjacent to a storefront, a minimum sidewalk width of ten (10) feet shall be required. Concrete security planters with a minimum depth of forty (40) inches shall be placed along the outer edge of the sidewalk to visually and physically separate the vehicular and pedestrian areas. The planters shall be continuous with reasonable breaks provided to allow for pedestrian access and compliance with the Americans with Disabilities Act.<<

* * *

>>(12) Window Height. When head-in parking is located directly adjacent to a storefront, ground floor windowsills shall be placed at a minimum height of 24 inches and a maximum of 48 inches above grade.<<

Section 3. Article XXVI of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE XXVI. - BU-2, SPECIAL BUSINESS DISTRICT

* * *

Sec. 33-253.9. - Plan review standards.

(A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

* * *

(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process.

* * *

(8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development. >>When head-in parking is located directly adjacent to a storefront, a minimum sidewalk width of ten (10) feet shall be required. Concrete security planters with a minimum depth of forty (40) inches shall be placed along the outer edge of the sidewalk to visually and physically separate the vehicular and pedestrian areas. The planters shall be continuous with reasonable breaks provided to allow for pedestrian access and compliance

with the Americans with Disabilities Act.<<

* * *

>>(12) Window Height. When head-in parking is located directly adjacent to a storefront, ground floor windowsills shall be placed at a minimum height of 24 inches and a maximum of 48 inches above grade.<<

Section 4. Article XXVII of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE XXVII. - BU-3 LIBERAL BUSINESS DISTRICT

* * *

Sec. 33-256.8. - Plan review standards.

(A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decisions of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed developments and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

* * *

(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process.

* * *

(8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development. >>When head-in parking is located directly adjacent to a storefront, a minimum sidewalk width of ten (10) feet shall be required. Concrete security planters with a minimum depth of forty (40) inches shall be placed along the outer edge of the sidewalk to visually and physically separate the vehicular and pedestrian areas. The planters shall be continuous with reasonable breaks provided to allow for pedestrian access and compliance with the Americans with Disabilities Act.<<

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>>(12) Window Height. When head-in parking is located directly adjacent to a storefront, ground floor windowsills shall be placed at a minimum height of 24 inches and a maximum of 48 inches above grade.<<

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

SAC

Prepared by:

JM

John D. McInnis

Prime Sponsor: Commissioner Jose "Pepe" Diaz